

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF OKLAHOMA**

In Re: }
Ridley, Charles D. }
SSN: xxx-xx-6136 } Case No.: 11-81817-C
} Chapter 13
Debtor }
CHARLES D. RIDLEY, } Adv. Case No.: 16-8008-TRC
Plaintiff }
v. }
M & T BANK, }
Defendant. }
}

PLAINTIFF'S APPLICATION FOR ALLOWANCE OF ATTORNEY'S FEES

Charles D. Ridley, Plaintiff, pursuant to this Court's Order Regarding Correction of Account and Application for Attorney Fees and Costs in this matter, hereby applies to this Court for an order awarding Plaintiff reasonable attorney's fees and costs incurred in prosecuting this action against the Defendant, M & T Bank. In support hereof, the Plaintiff would show the Court as follows:

1. Greggory T. Colpitts and The Colpitts Law Firm have served as attorney for the Plaintiff in this adversary proceeding. This Application requests attorney's fees and costs for professional services rendered from March 11, 2016, through the date of this Application.
2. Plaintiff seeks an award of \$41,225.00 in attorney's fees and \$644.02 in costs. Evidence supporting such award is set forth in the Verification of Greggory T. Colpitts attached hereto as Exhibit "A". A complete detailed listing of all time rendered by date and hours expended and services performed is attached hereto as Exhibit "B."
3. Greggory T. Colpitts and The Colpitts Law Firm specialize in consumer bankruptcy matters, specifically Chapter 7 and 13 bankruptcies and bankruptcy adversary proceedings. Mr. Colpitts has been practicing law for more than 25 years, and he is Board Certified in Consumer Bankruptcy by the American Board of Certification. Additionally, he is a member and state chair of the National Association of Consumer Bankruptcy Attorneys (NACBA); he has presented on issues in bankruptcy at NACBA's annual convention. Lauren D. Colpitts, an associate at The Colpitts Law Firm, has been practicing law since September 2016. Ms. Colpitts has been practicing almost exclusively in the area of consumer bankruptcy. Ms. Colpitts graduated with honors from the The University of Tulsa College of Law in 2016. While at TU, she served as the Editor-in-Chief of the ABA Section of Environment, Energy, and Resources The Year in Review 2015; as a member and editor of the Energy Law Journal; and as vice justice of Phi Alpha Delta Law Fraternity.

4. The hourly rate regularly charged by Greggory T. Colpitts, the principal of The Colpitts Law Firm, is \$300.00, and the hourly rate regularly charged for Lauren D. Colpitts is \$200.00. Administrative assistant time is billed at \$70.00 per hour. The hourly rates of The Colpitts Law Firm are reasonable.

5. A summary of fees and costs requested is as follows:

Attorney's Fees:	\$41,225.00
Costs Incurred:	\$644.02
Total Attorney's Fees and Costs Requested:	\$41,869.02

6. The time expended and costs incurred in the Adversary Proceeding herein were reasonable and necessary in prosecution of the Adversary Proceeding.

7. Absent the filing of this adversary proceeding, the Defendant would not correct its records of the Plaintiff's mortgage loan and would continue to collect funds to which it is not entitled.

8. This adversary proceeding was necessary due to the actions of the Defendant and as of the date of this Application, the Defendant has failed to provide documentation to support its claim that the Plaintiff's mortgage loan record has been corrected.

WHEREFORE, Plaintiff requests this Court enter an Order awarding the attorney's fees and costs requested herein against the Defendant, M & T Bank.

/s/ Greggory T. Colpitts

Greggory T. Colpitts, OBA No.: 14381
Lauren D. Colpitts, OBA No.: 32756

The Colpitts Law Firm

6506 South Lewis, Suite 175
Tulsa, OK 74136-1079
918-747-9747
greg@colpittslawfirm.us
Attorney for Plaintiff

June 5, 2017

Date

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF OKLAHOMA

In Re: }
Ridley, Charles D. }
SSN: xxx-xx-6136 } Case No.: 11-81817-C
Debtor } Chapter 13
CHARLES D. RIDLEY, } Adv. Case No.: 16-8008-TRC
Plaintiff }
v. }
M & T BANK, }
Defendant. }

VERIFICATION

STATE OF OKLAHOMA }
} ss.
COUNTY OF TULSA }

Greggory T. Colpitts of lawful age, being first duly sworn, upon oath states as follows:

1. I am the principal of The Colpitts Law Firm, attorneys for the Plaintiff in this adversary proceeding. I have personal knowledge of the matters hereinafter referred to, and make this affidavit in support of the request of Plaintiff for an award of attorney's fees and costs incurred herein.

2. I and The Colpitts Law Firm specialize in consumer bankruptcies, specifically Chapter 7 and 13 bankruptcies and bankruptcy adversary proceedings. I have been practicing law for more than 25 years, and I am Board Certified in Consumer Bankruptcy by the American Board of Certification. Additionally, I am a member and state chair of the National Association of Consumer Bankruptcy Attorney's, where I have presented on issues in bankruptcy. Lauren D. Colpitts, an associate at The Colpitts Law Firm, has been practicing law since September 2016. Ms. Colpitts has been practicing almost exclusively in the area of consumer bankruptcy. Ms. Colpitts graduated with honors from The University of Tulsa College of Law in 2016, where she served as Editor-in-Chief of the ABA Section of Environment, Energy and Resources The Year In Review 2015; as member and editor of the Energy Law Journal; and as vice justice of Phi Alpha Delta.

3. The time and expense records shown on Exhibit "B" attached hereto reflect the time records kept by the attorneys in this matter. Such time records were entered contemporaneously and are an accurate representation of the time and expenses incurred in the prosecution of the adversary proceeding.

EXHIBIT

A

exhibitsticker.com

4. In my opinion, the hours expended as shown in the attached Exhibit "B" are reasonable and necessary in accordance with standards in the legal community for similar work under similar circumstances.

5. The hourly rates for attorneys in The Colpitts Law Firm are \$300.00 per hour for Greggory T. Colpitts and \$200.00 per hour for Lauren D. Colpitts. The hourly rates are reasonable for services of similar nature under the facts and circumstances of this case.

6. In view of the facts of this case, affiant believes the total fee stated and sought in the Application for Allowance of Attorney's Fees is reasonable.

7. Absent the filing of this adversary proceeding, the Defendant would not correct its records of the Plaintiff's mortgage loan and would continue to collect funds to which it is not entitled.

8. This adversary proceeding was necessary due to the actions of the Defendant and as of the date of this Application, the Defendant has failed to provide documentation to support its claim that the Plaintiff's mortgage loan record has been corrected.



Greggory T. Colpitts, Affiant

Subscribed and sworn to before me this 5th day of June, 2017 by Greggory T. Colpitts.

My Commission Expires:

08/13/17

(SEAL)



Debra D. Watson
Notary Public

The Colpitts Law Firm

FEIN: 73-1493359

6506 South Lewis
Suite 175
Tulsa, OK 74136-1079

Invoice submitted
to:

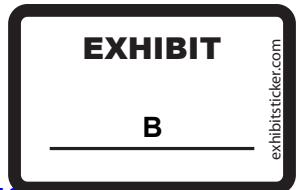
Charles D Ridley
19220 South 211th East Ave.
Haskell OK 74436

June 05, 2017

**In Reference To: Charles Ridley v. M&T Bank
Adversary Proceeding**

Professional Services

			<u>Hrs/Rate</u>	<u>Amount</u>
	<u>Greggory T. Colpitts</u>			
3/11/2016 -	GTC	Review documents provided by Charles Ridley and prepare amortization of mortgage loan.	1.25 300.00/hr	375.00
	-	GTC Research legal issues.	2.50 300.00/hr	750.00
4/14/2016 -	GTC	Telephone Conference with Charles Ridley regarding mortgage issues and collection letter.	0.40 300.00/hr	120.00
4/20/2016 -	GTC	Review Chaper 13 bankruptcy documents; M&T Transaction History; Mortgage Statements; proof of mortgage payments. Telephone Conference with Charles Ridley regarding issues and proceeding against M&T Bank.	4.50 300.00/hr	1,350.00

EXHIBIT

B

exhibitsticker.com

			Hrs/Rate	Amount
5/4/2016 -	GTC	Review documents, research and draft Complaint for violation of the discharge injunction against M & T Bank.	7.00 300.00/hr	2,100.00
5/5/2016 -	GTC	Meeting with Charles Ridley	0.50 300.00/hr	150.00
	-	GTC Review proof of payments and mortgage statements provided by Charles Ridley.	0.30 300.00/hr	90.00
5/13/2016 -	GTC	Prepare Certificate of Service of Summons.	0.40 300.00/hr	NO CHARGE
	-	GTC Prepare Adversary Cover Sheet.	0.20 300.00/hr	60.00
	-	GTC Research and draft Complaint.	2.80 300.00/hr	840.00
6/6/2016 -	GTC	Receipt and review May 16, 2016 and May 25, 2016 mortgage statements and proof of June payment. Update exhibits.	0.40 300.00/hr	120.00
6/16/2016 -	GTC	Review answer of M & T Bank.	1.25 300.00/hr	375.00
	-	GTC Initial Draft of Rule 26 Report.	1.25 300.00/hr	375.00
6/17/2016 -	GTC	Finalize first draft of Rule 26 Conference Report and prepare email to Jim Timberlake.	0.85 300.00/hr	255.00
6/20/2016 -	GTC	Telephone Conference with Jim Timberlake regarding attorney on the case.	0.10 300.00/hr	30.00
6/27/2016 -	GTC	Telephone Conference with Bradley Parrot, attorney for M & T Bank regarding Rule 26 Conference.	0.20 300.00/hr	60.00

			<u>Hrs/Rate</u>	<u>Amount</u>
6/30/2016 -	GTC	Meeting with Charles Ridley to discuss status and review June 1 and June 18 Mortgage Statements and proof of July payment.	0.75 300.00/hr	225.00
7/7/2016 -	GTC	Review email from Blake Parrott; review revision to Rule 26 Report; and prepare responsive email.	0.40 300.00/hr	120.00
7/8/2016 -	GTC	Finalize Joint Rule 26 Report and file with Court.	0.45 300.00/hr	135.00
	- GTC	Receipt and review entry of appearance by Matthew Hudspeth and add to file.	0.10 300.00/hr	30.00
8/1/2016 -	GTC	Telephone Conference with Matthew Hudspeth.	0.15 300.00/hr	45.00
8/2/2016 -	GTC	Review file and prepare for Scheduling Conference.	0.80 300.00/hr	240.00
	- GTC	Scheduling Conference.	0.30 300.00/hr	90.00
8/16/2016 -	GTC	Review email from Matthew Hudspeth and review file.	0.15 300.00/hr	45.00
8/17/2016 -	GTC	Prepare Exhibit and Witness Lists and Calculation of Plaintiff's Damages.	2.50 300.00/hr	750.00
9/27/2016 -	GTC	Draft Plaintiffs First Request for Production of Documents, First Set of Interrogatories, and First Request for Admissions.	3.25 300.00/hr	975.00
10/12/2016 -	GTC	Review August 30, Sept 16, and October 3 Mortgage Statements and proof of September and October payment.	0.40 300.00/hr	120.00
10/26/2016 -	GTC	Review status of Discovery to Defendant. Conference with Matthew Hudspeth regarding extension.	0.40 300.00/hr	120.00

			<u>Hrs/Rate</u>	<u>Amount</u>
11/3/2016 -	GTC	Review status of file and prepare Application to Continue Pretrial Conference.	1.50 300.00/hr	450.00
11/14/2016 -	GTC	Review October Mortgage Statements and proof of November payment. Revise Exhibits.	0.40 300.00/hr	120.00
11/15/2016 -	GTC	Review and respond to email from Matt Hudspeth regarding settlement.	0.40 300.00/hr	120.00
	- GTC	Telephone Conference with Matt Hudspeth regarding settlement.	0.15 300.00/hr	45.00
11/16/2016 -	GTC	Revise Pre-Trial Memorandum.	2.00 300.00/hr	600.00
11/18/2016 -	GTC	Prepare Plaintiff's Answers and Responses to Defendant's Combined First Set of Interrogatories and First Set of Requests for Production of Documents.	2.50 300.00/hr	750.00
	- GTC	Review file and prepare email to Matthew Hudspeth regarding the status Defendant's responses to Plaintiff's discovery requests.	0.30 300.00/hr	90.00
12/7/2016 -	GTC	Finalize Pre-Trial Memorandum.	3.50 300.00/hr	1,050.00
12/8/2016 -	GTC	Finalize Final Witness and Exhibit Lists.	1.25 300.00/hr	375.00
	- GTC	Finalize first draft of Pre-Trial Order.	2.85 300.00/hr	855.00
12/12/2016 -	GTC	Review revisions to Pre-Trial Order and prepare response to Matt Hudspeth.	0.40 300.00/hr	120.00
	- GTC	Review Defendant's Pre-Trial Memorandum.	0.30 300.00/hr	90.00

			Hrs/Rate	Amount
12/13/2016 -	GTC	Review file and prepare for pre-trial conference.	1.00 300.00/hr	300.00
-	GTC	Pre-trial conference.	1.50 300.00/hr	450.00
1/2/2017 -	GTC	Receipt and review December 16 and December 14 Mortgage Statement and Escrow Analysis (respectively) and update Exhibit List.	0.40 300.00/hr	120.00
1/16/2017 -	GTC	Review Defendant's responses and answers to Plaintiff's discovery requests.	0.85 300.00/hr	255.00
1/22/2017 -	GTC	Finalize Plaintiff's Responses to Defendant's Discovery Requests and forward to Matt Hudspeth.	0.25 300.00/hr	75.00
1/30/2017 -	GTC	Review documents produced by defendant M & T Bank in response to Plaintiff's Discovery Requests.	1.50 300.00/hr	450.00
2/1/2017 -	GTC	Telephone Conference with Charles Ridley regarding status of adversary proceeding.	0.40 300.00/hr	120.00
-	GTC	Review file and prepare revised Pre-Trial Order.	2.50 300.00/hr	750.00
-	GTC	Review response from Matt Hudspeth regarding settlement offer and review file.	0.30 300.00/hr	90.00
-	GTC	Review January 2017 mortgage statement, proof of January payment and update exhibit list.	0.25 300.00/hr	75.00
2/2/2017 -	GTC	Review Defendant's Motion to Compel.	0.75 300.00/hr	225.00

			Hrs/Rate	Amount
2/7/2017 -	GTC	Review email and revisions to the Pre-Trial Order from Matt Hudspeth. Review discovery responses and prepare response.	1.10 300.00/hr	330.00
2/8/2017 -	GTC	Finalize Objection to Motion to Compel.	3.00 300.00/hr	900.00
	- GTC	Prepare for hearing on Motion to Compel.	1.00 300.00/hr	300.00
2/9/2017 -	GTC	Hearing on Motion to Compel.	0.75 300.00/hr	225.00
	- GTC	Review Mortgage Statement for January 30, 2017 and proof of February 2017 payment.	0.20 300.00/hr	60.00
	- GTC	Telephone Conference with Matt Hudspeth regarding pre-trial order. Revise Pre-Trial Order and email to Matt Hudspeth.	0.85 300.00/hr	255.00
	- GTC	Prepare final version of proposed Pre-Trial Order. Prepare email to Matt Hudspeth.	1.25 300.00/hr	375.00
2/13/2017 -	GTC	Receipt and review offer of settlement from M & T Bank. Telephone Conference with Charles Ridley regarding settlement offer. Prepare response to Matt Hudspeth.	0.40 300.00/hr	120.00
2/14/2017 -	GTC	Exhibit review and trial preparation.	3.50 300.00/hr	1,050.00
2/15/2017 -	GTC	Trial preparation. Meeting with Charles Ridley.	8.50 300.00/hr	2,550.00
2/16/2017 -	GTC	Prepare for trial.	1.00 300.00/hr	300.00
	- GTC	Trial - Ridley v. M & T Bank.	3.00 300.00/hr	900.00

			<u>Hrs/Rate</u>	<u>Amount</u>
2/16/2017 -	GTC	Prepare Transcript Request.	0.50 300.00/hr	150.00
2/22/2017 -	GTC	Receipt and review letter of February 13, 2017, from M & T Bank regarding delinquency, and meeting with Charles Ridley.	0.30 300.00/hr	90.00
2/23/2017 -	GTC	Research and review findings of fact and conclusions of law.	1.75 300.00/hr	525.00
	- GTC	Review Trial Transcript.	2.75 300.00/hr	825.00
2/27/2017 -	GTC	Revise Plaintiff's Findings of Fact and Conclusions of Law.	2.50 300.00/hr	750.00
3/2/2017 -	GTC	Review and revise Findings of Fact and Conclusions of Law.	2.00 300.00/hr	600.00
3/3/2017 -	GTC	Review Findings of Fact filed by defendant.	1.20 300.00/hr	360.00
	- GTC	Finalize Findings of Fact and Conclusions of Law.	1.50 300.00/hr	450.00
3/10/2017 -	GTC	Receipt and review Entry of Appearance by Julie Hird Thomas for M & T Bank.	0.10 300.00/hr	30.00
3/13/2017 -	GTC	Receipt and review Motions to Appear Pro Hac Vice by Paul G. Durdaller and Brian J Levy.	0.10 300.00/hr	30.00
3/14/2017 -	GTC	Receipt and review Motion to Withdraw as Attorney for Defendant by Matthew J. Hudspeth.	0.15 300.00/hr	45.00
3/16/2017 -	GTC	Receipt and review Entry of Appearance by Michael George.	0.10 300.00/hr	30.00

			<u>Hrs/Rate</u>	<u>Amount</u>
3/20/2017 -	GTC	Review Motion to Strike filed by M & T Bank.	0.90 300.00/hr	270.00
-	GTC	Telephone Conference with Paul Durdaller, attorney for M & T Bank and notes to file.	0.70 300.00/hr	210.00
3/22/2017 -	GTC	Review email from Paul Durdallor. Telephone Conference with Charles Ridley. Draft response and counter offer to Paul Durdallor.	1.10 300.00/hr	330.00
3/28/2017 -	GTC	Review and revise Response to M & T Bank Motion to Strike.	2.25 300.00/hr	675.00
3/30/2017 -	GTC	Finalize Objection to Motion to Strike.	0.75 300.00/hr	225.00
4/6/2017 -	GTC	Receipt and review April 6 purported offer of settlement from M & T Bank. Telephone Conference with Charles Ridley regarding same.	0.75 300.00/hr	225.00
-	GTC	Research Oklahoma Rules of Professional Conduct regarding M & T Bank's attorney's accusations.	1.50 300.00/hr	450.00
4/11/2017 -	GTC	Receipt and review Order Striking Hearing on Defendant's Motion to Strike.	0.10 300.00/hr	30.00
-	GTC	Receipt and review M & T Bank Reply Brief to M & T Bank's Motion to Strike.	0.75 300.00/hr	225.00
4/12/2017 -	GTC	Telephone Conference with David Cheek regarding allegations of M & T Bank against Baer Timberlake and impact to pending litigation of Ridley v M & T Bank.	0.50 300.00/hr	150.00
5/31/2017 -	GTC	Review Memorandum Opinion.	0.50 300.00/hr	150.00

			<u>Hrs/Rate</u>	<u>Amount</u>
5/31/2017 -	GTC	Review Court's Orders Regarding Defendant's Motion to Strike and Court's Order Regarding Correction of Account and Application for Attorney Fees and Costs.	0.15 300.00/hr	45.00
6/1/2017 -	GTC	Telephone Conference with Charles Ridley regarding Court's decision.	0.50 300.00/hr	150.00
6/2/2017 -	GTC	Prepare Application for Attorney's Fees and costs.	2.50 300.00/hr	750.00
SUBTOTAL:			[109.25]	32,655.00]

Lauren D Colpitts

11/11/2016 -	LDC	Draft Pre-Trial Memorandum.	2.50 200.00/hr	500.00
11/14/2016 -	LDC	Finalized draft of Pre-Trial Memorandum.	2.00 200.00/hr	400.00
11/17/2016 -	LDC	Draft Pre-Trial Order.	2.00 200.00/hr	400.00
11/21/2016 -	LDC	Draft Plaintiff's Preliminary Witness and Exhibit List.	1.00 200.00/hr	200.00
12/13/2016 -	LDC	Pre-Trial Conference.	1.50 200.00/hr	300.00
2/7/2017 -	LDC	Review and prepare exhibits for trial.	1.00 200.00/hr	200.00
2/8/2017 -	LDC	Finalized exhibits and Plaintiff's Witness and Exhibit List for trial.	1.50 200.00/hr	300.00
	-	LDC Prepare exhibits for production.	2.30 200.00/hr	460.00

			<u>Hrs/Rate</u>	<u>Amount</u>
2/16/2017 -	LDC	Prepare email to Typewrite Word Processing regarding Trial Transcript request and payment.	0.10 200.00/hr	20.00
	- LDC	Trial - Ridley v. M & T Bank.	3.00 200.00/hr	600.00
2/21/2017 -	LDC	Research - Findings of Fact and Conclusions of Law.	2.00 200.00/hr	400.00
2/22/2017 -	LDC	Review Trial Transcript and make notes. Review notes from trial.	2.75 200.00/hr	550.00
	- LDC	Prepare initial draft of Findings of Fact and Conclusions of Law.	1.25 200.00/hr	250.00
2/24/2017 -	LDC	Receipt and review M & T Mortgage Statement dated 2/16/2017.	0.10 200.00/hr	20.00
	- LDC	Draft Findings of Fact and Conclusions of Law.	2.75 200.00/hr	550.00
3/1/2017 -	LDC	Review and incorporate GTC revisions in Findings of Fact and Conclusions of Law. Prepare second draft.	1.50 200.00/hr	300.00
3/2/2017 -	LDC	Review GTC revisions. Incorporate case law research. Finalize draft of Plaintiff's Findings of Fact and Conclusions of Law and Argument.	3.00 200.00/hr	600.00
	- LDC	Research case law on awards of punitive damages in the 10th Circuit.	3.00 200.00/hr	600.00
3/3/2017 -	LDC	Review and finalize final draft of Findings of Fact & Conclusions of Law and prepare for filing.	2.50 200.00/hr	500.00
	- LDC	Prepare Exhibits for Findings of Fact and Conclusions of Law.	0.50 200.00/hr	100.00

			<u>Hrs/Rate</u>	<u>Amount</u>
3/23/2017 -	LDC	Research and prepare initial draft of Response to M & T Bank Motion to Strike.	3.00 200.00/hr	600.00
3/29/2017 -	LDC	Review and edit Response to Motion to Strike.	1.00 200.00/hr	200.00
5/31/2017 -	LDC	Review Memorandum Opinion.	0.60 200.00/hr	120.00
6/2/2017 -	LDC	Review Application for Attorney's Fees.	1.00 200.00/hr	200.00
	-	Review Defendant's Finding of Fact and Conclusions of Law.	1.00 200.00/hr	200.00

SUBTOTAL:	[42.85	8,570.00]
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For professional services rendered	152.10	\$41,225.00
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Additional Charges :

			<u>Qty/Price</u>	
<u>Greggory T. Colpitts</u>				
2/8/2017 -	GTC	Copy Charge - Trial Exhibits 2 for Court, 1 for Plaintiff, and 1 for Defendant.	640 0.30	192.00
	-	GTC Exhibit Tabs - 62 - 3 sets	186 0.50	93.00
	-	GTC Exhibit Binders x 3	3 7.99	23.97
2/22/2017 -	GTC	Trial Transcript - Shari Riemer/TypeWrite.	1 315.25	315.25

SUBTOTAL:	[624.22]
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	<u>Qty/Price</u>	<u>Amount</u>
<u>Lauren D Colpitts</u>		
2/22/2017 - LDC Copy Charge - Trial Transcript.	66 0.30	19.80
SUBTOTAL:		[19.80]
Total costs		\$644.02

Pay By Credit Card: Visa ___, MasterCard ___

Case 16-08008 Doc 77 Filed 06/05/17 Entered 06/05/17 10:05:43 Desc Main Document Page 16 of 16
Card Number: _____ Cardholder Name: _____
Expiration Date: _____ Signature: _____